

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT P. CARICO,

Petitioner,

v.

Case No. 08-14570  
Honorable Patrick J. Duggan

JEFFREY WOODS,

Respondent.

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**ORDER GRANTING PETITIONER'S (1) MOTION FOR LEAVE TO AMEND  
PETITION FOR THE WRIT OF HABEAS CORPUS AND (2) MOTION FOR  
IMMEDIATE CONSIDERATION OF HIS MOTION TO AMEND**

On October 28, 2008, Petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner is challenging his convictions in 2005, following a jury trial in the Circuit Court for Jackson County, Michigan, for being a felon in possession of a firearm, two counts of felonious assault, and three counts of felony firearm. Pending before the Court are (1) Petitioner's motion for leave to amend his habeas petition and (2) Petitioner's motion for immediate consideration of his motion to amend.

Petitioner is seeking to amend his petition to add a new sentencing claim. The claim alleges that the trial court incorrectly scored the Michigan sentencing guidelines and relied on inaccurate information when sentencing Petitioner. This claim had been bifurcated in the State courts from the claims Petitioner raised in his initial petition. The

sentencing claim still was pending in the Michigan Supreme Court when Petitioner initiated this action.

Respondent has not filed an objection to Petitioner's motions and the Federal Rules of Civil Procedure state that courts should freely give leave to amend "when justice so requires." Fed. R. Civ. P. 15(a)(2).

Accordingly,

**IT IS ORDERED**, that Petitioner's Motion for Leave to Amend Petition for the Writ of Habeas Corpus (Doc. 17) and Motion for Immediate Consideration (Doc. 20) are **GRANTED** and Petitioner's Amended Petition for the Writ of Habeas Corpus is being filed by this Court on the date of this Order;

**IT IS FURTHER ORDERED**, that Respondent shall have **thirty (30) days** from the date of this Order to file an amended answer to the amended petition.

DATE: August 17, 2010

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

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